

**STATE OF LOUISIANA  
DIVISION OF ADMINISTRATIVE LAW  
ETHICS ADJUDICATORY BOARD**

**BOARD OF ETHICS**

\*

\* **DOCKET NO. 2020-0245-ETHICS-B**

\*

**IN THE MATTER OF**

\*

\*

**KEARY GRAYSON**

\* **AGENCY TRACKING NO. 5120-0115**

\*\*\*\*\*

**DECISION AND ORDER**

Keary Grayson knowingly failed to file his 2019 supplemental campaign finance disclosure reports as required by law. The Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Keary Grayson additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

**APPEARANCES**

A hearing was conducted September 17, 2020, in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).<sup>1</sup> Charles Reeves appeared as counsel for the Board of Ethics. Although duly noticed, Keary Grayson did not appear for the hearing.<sup>2</sup>

**STATEMENT OF THE CASE**

The Board of Ethics (BOE) requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(a), Keary Grayson's (Respondent) 30-P and 10-P campaign finance disclosure reports for the October 12, 2019, primary election for Assessor in Madison Parish, were filed more than six days late. The BOE also requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S.

---

<sup>1</sup> Panel B of the EAB consists of Presiding Administrative Law Judge William H. Cooper, III, Administrative Law Judge Gregory J. McDonald, and Administrative Law Judge Anthony J. Russo.

<sup>2</sup> See BOE- 14.

18:1505.4(A)(4)(b), Respondent's 10-G campaign finance disclosure report for the November 16, 2019, general election was filed more than eleven days late.

At the hearing, BOE offered its exhibits, numbered BOE-1 through BOE-15,<sup>3</sup> which were admitted into evidence. BOE requested the EAB make a determination on whether Respondent filed his 30-P and 10-P campaign finance disclosure reports more than six days late, and whether Respondent filed his 10-G campaign finance disclosure report more than eleven days late, which would subject him to additional civil penalties pursuant to La. R.S. 18:1505.4(A)(4).<sup>4</sup> The record was closed and the matter was submitted for decision.

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*

### **FINDINGS OF FACT**

Respondent was an unsuccessful candidate for the office of Parish Assessor in Madison Parish, a "district office" position, in the primary election held October 12, 2019.<sup>5</sup> Respondent was defeated in the primary election, wherein another candidate secured a voting margin over 50%, which determined the election.<sup>6</sup> Respondent was required to file a campaign finance disclosure report thirty days prior to the primary election (also known as a 30-P) on September 12, 2019.<sup>7</sup> Respondent was required to file a campaign finance disclosure report ten days prior to the primary election (also known as a 10-P) on October 2, 2019.<sup>8</sup> Respondent was required to file a

---

<sup>3</sup> BOE-15, the BOE's motion to compel was incorporated by reference from the pleadings filed in this matter.

<sup>4</sup> BOE-5 and BOE-6.

<sup>5</sup> BOE-2. The general election was set for November 16, 2019, but was not held because one of the candidates secured a majority of the votes cast in the primary election.

<sup>6</sup> BOE-3.

<sup>7</sup> La. R.S. 18:1495.4(B)(3).

<sup>8</sup> La. R.S. 18:1495.4(B)(4).

campaign finance disclosure report on November 6, 2019, ten days prior to the scheduled date of the general election (also known as a 10-G) on November 16, 2019.<sup>9</sup>

The BOE functions as the Supervisory Committee on Campaign Finance Disclosure responsible for enforcing the provisions of the CFDA.<sup>10</sup> Upon qualifying for the election, the BOE provided Respondent with a Schedule of Reporting and Filing Dates for Candidates (“Schedule”).<sup>11</sup> The Schedule informed Respondent that the 30-P report was due September 12, 2019; the 10-P report was due October 2, 2019; and the 10-G report was due November 6, 2019.<sup>12</sup> The Schedule advised that the period covered by the 30-P report was from date of first expenditure or contribution through September 2, 2019. The Schedule advised that the period covered by the 10-P report was from September 3, 2019 through September 22, 2019. The Schedule advised that the period covered by the 10-G report was from September 23, 2019 through October 27, 2019.<sup>13</sup>

Respondent did not file the required 30-P report by the due date, September 12, 2019. The BOE, in a Late Fee Assessment Order, assessed a fine of \$2,000.00 for this violation.<sup>14</sup> Respondent was notified in letters dated December 30, 2019, and February 28, 2020, that he could be subject to an additional civil penalty of up to \$10,000.00 pursuant to La. R.S. 18:1505.4(A)(4) if he failed to file the 30-P report within twenty days.<sup>15</sup> The 30-P report had not been filed as of September 17, 2020.<sup>16</sup>

Respondent did not file the required 10-P report by the due date, October 2, 2019. The BOE, in a Late Fee Assessment Order, assessed a fine of \$2,000.00 for this violation.<sup>17</sup>

---

<sup>9</sup> BOE-4.

<sup>10</sup> La. R.S. 18:1483(19).

<sup>11</sup> *See* BOE-4.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> BOE-7, order dated December 30, 2019. An identical order was issued, dated February 28, 2020. BOE-8.

<sup>15</sup> *Id.* See also, BOE-8.

<sup>16</sup> BOE-11.

<sup>17</sup> BOE-9.

Respondent was notified in a letter dated February 28, 2020, that he could be subject to an additional civil penalty of up to \$10,000.00 pursuant to La. R.S. 18:1505.4(A)(4) if he failed to file the report within twenty days.<sup>18</sup> The 10-P report had not been filed as of September 17, 2020.<sup>19</sup>

Respondent was required to file a campaign finance disclosure report ten days prior to the general election (also known as a 10-G), by November 6, 2019, in connection with the October 12, 2019, election.<sup>20</sup> The Schedule advised Respondent that a 10-G report was required by all candidates in the primary election, and covered from September 23, 2019, to October 27, 2019.<sup>21</sup>

Respondent did not file the required 10-G report by the due date, November 6, 2019. The BOE in a Late Fee Assessment Order assessed a civil penalty of \$2,000.00 for this violation.<sup>22</sup> Respondent was notified in the accompanying letter, dated February 28, 2020, that he could be subject to an additional civil penalty of up to \$10,000.00 pursuant to La. R.S. 18:1505.4(A)(4) if he failed to file the report within twenty days.<sup>23</sup> The report had not been filed as of September 17, 2020.<sup>24</sup>

Respondent failed to appear for the hearing or respond to the late fee assessments, despite notice of the hearing and notice of the late fee assessment orders being sent to his last known address.

### **CONCLUSIONS OF LAW**

La. R.S. 18:1505.4(A)(4)(a) provides that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required campaign finance disclosure report, or filed it more than six days late, then the BOE, functioning as the Supervisory Committee

---

<sup>18</sup> *Id.*

<sup>19</sup> BOE-11.

<sup>20</sup> BOE-4, BOE-10.

<sup>21</sup> BOE-4.

<sup>22</sup> BOE-10.

<sup>23</sup> *Id.*

<sup>24</sup> BOE-11.

on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties. This provision applies to the 30-P and 10-P reports.

La. R.S. 18:1505.4(A)(4)(b) provides that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required campaign finance disclosure report, or filed it more than eleven days late, then the BOE, functioning as the Supervisory Committee on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties. This provision applies to the 10-G report.

The BOE proved Respondent failed to timely file his 30-P campaign finance disclosure report, his 10-P campaign finance disclosure report, and his 10-G campaign finance disclosure report. Every candidate for district office (or his campaign treasurer) is required to file reports of contributions and expenditures on specific days before and after an election.<sup>25</sup> Any candidate for district office, who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$60 per day, not to exceed \$2,000.<sup>26</sup> The BOE assessed the maximum amount of \$2,000.00, as the required reports were not filed by day 34 of the reports being late.<sup>27</sup> “Knowingly and willfully,” means conduct which could have been avoided through the exercise of due diligence.<sup>28</sup> The BOE assessed late filing civil penalty against Respondent in accordance with La. R.S. 42:1157 and La. R.S. 18:1505.4 in the amount of \$2,000.00 for each of the three unfiled reports. These amounts and orders of assessment have not been appealed by Respondent, under La. R.S. 18:1511.4.1(C)(1) and (2). These amounts are therefore final under La. R.S. 18:1511.4.1(C)(1) and not before the EAB for consideration.<sup>29</sup>

---

<sup>25</sup> La. R.S. 18:1495.4.

<sup>26</sup> La. R.S. 18:1505.4(A)(2)(a)(ii).

<sup>27</sup> \$60.00 multiplied by 34 days equals \$2,040.00, exceeding the statutory maximum in La. R.S. 18:1505.4(A)(2)(a)(ii).

<sup>28</sup> La. R.S. 18:1505.5.

<sup>29</sup> See La. R.S. 42:1153, which exempts the EAB from imposing penalties for violations of the CFDA.

The Schedule of Reporting and Filing Dates<sup>30</sup> informed Respondent to file the required reports,<sup>31</sup> and knowingly failing to file the reports, Respondent violated the CFDA, and may be assessed a civil penalty up to \$10,000.00 per report.<sup>32</sup>

The EAB considered the issue of whether a penalty may be assessed by the BOE for a 10-G report, where no general election was held for the position. The EAB concludes that both the statute and the instructions provided by the BOE contemplate that a candidate in the primary election must file a 10-G report, even where a general election is not held, because a candidate in the primary prevailed with over 50% of the votes cast. The statute requiring the filing of the 10-G report, La. R.S. 18:1495.4(B)(5), provides:

B. A report shall be filed by a candidate for each regularly scheduled election in which the candidate participates according to the following schedule:

(5) Each candidate shall file a report no later than the tenth day prior to the general election which shall be complete through the twentieth day prior to the general election. This shall be the final report for the election for any candidate who does not participate in the general election, unless supplemental reports are required as provided in Subsection D of this Section. (emphasis added).

The Schedule of Reporting and Filing Dates<sup>33</sup> informed Respondent the 10-G report was due November 6, 2019.<sup>34</sup> The Schedule also advised Respondent that a 10-G report was required of all candidates in the primary election. Finally, the 10-G report covers contributions and expenditures from September 23, 2019, through October 27, 2019, a period which is not covered by the 30-P and 10-P reports.<sup>35</sup> The EAB concludes a 10-G report is required for candidates in the

---

<sup>30</sup> BOE-4.

<sup>31</sup> Respondent was advised that he was required to file a 10-G report because he participated in the primary election. The 10-G report covers contributions and expenditures from September 23, 2019, through October 27, 2019, a period including through and after the primary election. This period is not covered by the 30-P and 10-P reports. *See* BOE-4.

<sup>32</sup> La. R.S. 18:1505.4(A)(4).

<sup>33</sup> BOE-4.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

primary election, even where no general election is held for that office.

Respondent failed to file his 30-P campaign finance disclosure report by September 12, 2019; he failed to file his 10-P campaign finance disclosure report by October 2, 2019; and he failed to file his 10-G campaign finance disclosure report by November 6, 2019. As of September 17, 2020, he had not filed any of the three reports.

Respondent is more than six days late in filing his 30-P and 10-P campaign finance disclosure reports, and more than eleven days late in filing his 10-G campaign finance disclosure report. The BOE proved Respondent, a candidate for district office, failed to file a 30-P and a 10-P report more than six days late, and a 10-G report more than eleven days late. The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, is authorized to impose additional civil penalties under authority of La. R.S. 18:1505.4(A)(4)(a) and (b), not to exceed ten thousand dollars (\$10,000.00) for each of the three late reports.

**THIS SPACE LEFT BLANK INTENTIONALLY**

## ORDER

**IT IS ORDERED** that Keary Grayson's 2019 30-P campaign finance disclosure report is more than six days late, and the Board of Ethics, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, may impose upon Keary Grayson additional civil penalties as authorized by La. R.S. 18:1505.4(A)(4)(a).

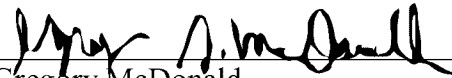
**IT IS FURTHER ORDERED** that Keary Grayson's 2019 10-P campaign finance disclosure report is more than six days late, and the Board of Ethics, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, may impose upon Keary Grayson additional civil penalties as authorized by La. R.S. 18:1505.4(A)(4)(a).

**IT IS ORDERED** that Keary Grayson's 2019 10-G campaign finance disclosure report is more than eleven days late, and the Board of Ethics, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, may impose upon Keary Grayson additional civil penalties as authorized by La. R.S. 18:1505.4(A)(4)(b).

Rendered and signed on October 31, 2020, in Baton Rouge, Louisiana.



William H. Cooper III  
Presiding Administrative Law Judge



Gregory McDonald  
Administrative Law Judge



Anthony Russo  
Administrative Law Judge

### NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, November 02, 2020, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court  
Division of Administrative Law

## REVIEW RIGHTS

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959 and



Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

**To request a rehearing or reconsideration, please send it to one of the addresses indicated below:**

**EMAIL documents to:**  
**EABprocessing@adminlaw.state.la.us**

**FAX documents to:**  
**EAB Section Deputy Clerk**  
**(225) 219-9820**

**MAIL documents to:**  
**DAL – EAB Section**  
**ATTN: EAB Section Deputy Clerk**  
**P. O. Box 44033**  
**Baton Rouge, LA 70804-4033**

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.